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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 CALIFORNIA PIPE RECYCLING,
12 INC.

13 Plaintiff,

14 vs.

15 SOUTHWEST HOLDINGS, INC., et al,
16 Defendants.

CASE NO. CV F 08-0236 LJO SMS

**ORDER TO SET HEARING ON MOTIONS
TO DISMISS AND FURTHER STATUS
CONFERENCE**

Date: October 29, 2008
Time: 8:45 a.m.
Dept.: 4 (LJO)

17 This Court conducted a September 11, 2008 status conference. Plaintiff California Pipe
18 Recycling, Inc. ("Cal Pipe") appeared by counsel Kerry Zeiler, Ko & Zeiler. Defendants Joseph Briers,
19 Southwest Pipe Services, Inc. and S.W. Pipe Holdings, Inc.¹ (erroneously sued as Southwest Holdings,
20 Inc.) appeared by Jason Powers, Powers & Slay. Defendants Briers Pipe Services Corp., Robert Ingram
21 and Robbye Waldron have been served with the summons and complaint but neither have appeared in
22 this action nor appeared at the status conference.

23 On the basis of good cause, this Court:

- 24 1. SETS a hearing for October 29, 2008 at 8:45 a.m. in Department 4 (LJO) on all
25 defendants' motions to dismiss and challenges to this Court's exercise of jurisdiction and
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28 ¹ Defendants Joseph Briers, Southwest Pipe Services, Inc. and S.W. Pipe Holdings, Inc. will be referred
to collectively as the "Briers defendants."

1 RESETS to the October 29, 2008 hearing the Briers defendants' pending reconsideration
2 motion;

3 2. ORDERS the parties to file and serve their moving, opposition and reply papers pursuant
4 to Local Rule 78-230 and its deadlines;

5 3. ORDERS Cal Pipe, no later than September 18, 2008, to seek entry of defendant Robbye
6 Waldron's default, unless, prior to September 18, 2008, Robbye Waldron appears in this
7 action or Cal Pipe files a declaration to address the status of pursuing this action against
8 him;

9 4. CORRECTS S.W. Pipe Holdings, Inc. as the name for defendant Southwest Holdings,
10 Inc.;

11 5. DIRECTS the clerk not to enter default against the Briers defendants given Cal Pipe's
12 withdrawal of its requests for default entry;

13 6. SETS a status conference for October 29, 2008 at 8:45 a.m. in Department 4 (LJO)
14 pending ruling on motions to dismiss and challenges to this Court's exercise of
15 jurisdiction. The parties' counsel are encouraged to appear at the October 29, 2008
16 hearing and status conference by telephone by arranging a one-line conference call and
17 adding the Court at (559) 499-5680; and

18 7. ORDERS Cal Pipe to serve a copy of this order on defendants Briers Pipe Services
19 Corp., Robert Ingrum and Robbye Waldron.

20 IT IS SO ORDERED.

21 **Dated: September 11, 2008**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE